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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE
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10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 GREGORY Y. SMITH and
14 KYLE R. MCCLURE,

15 Defendants.

Case No. CR17-218RSL

ORDER GRANTING
STIPULATED MOTION TO
CONTINUE TRIAL AND
PRETRIAL MOTIONS
DATES

16 This matter comes before the Court on the parties' "Stipulated Motion to Continue Trial
17 and Pretrial Motions Dates." Dkt. # 30. Having considered the facts set forth in the stipulated
18 motion, the defendants' knowing and voluntary waiver, and the remainder of the record, the
19 Court finds as follows:

20 1. The Court adopts the stipulated facts set forth in the motion. Specifically, the
21 government has recently provided discovery and has indicated there is additional discovery
22 forthcoming; the parties have not yet scheduled a Rule 16 discovery conference; and Attorney
23 Steve Karimi, counsel for Kyle McClure, has other pending trials scheduled for November and
24 December. The Court accordingly finds that a failure to grant a continuance would deny counsel
25 the reasonable time necessary for effective preparation, taking into account the exercise of due
26 diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).
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1 2. The Court finds that a failure to grant a continuance would likely result in a
2 miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

3 3. The Court finds that the additional time requested is a reasonable period of delay,
4 as the parties need additional time to review discovery and to schedule a Rule 16 discovery
5 conference, and the defendants have requested more time to investigate the matter, to gather
6 evidence material to the defense, and to consider possible defenses; and that the additional time
7 requested between the current trial date of November 20, 2017, and the proposed trial date of
8 February 20, 2018, is necessary to provide defense counsel reasonable time to prepare for trial
9 considering counsel's schedule and all of the facts set forth above.

10 4. The Court further finds that such a continuance would serve the ends of justice,
11 and that these factors outweigh the best interests of the public and the defendant in a more
12 speedy trial, within the meaning of 18 U.S.C. § 3161(h)(7)(A).

13 5. Defendant Gregory Smith has signed a waiver indicating that he has been advised
14 of his right to a speedy trial and that, after consulting with counsel, he has knowingly and
15 voluntarily waived that right and consented to the continuation of his trial to a date up to and
16 including March 5, 2018, Dkt. # 28, which will permit trial to start on February 20, 2018, per the
17 parties' request.

18 6. Defendant Kyle McClure has signed a waiver indicating that he has been advised
19 of his right to a speedy trial and that, after consulting with counsel, he has knowingly and
20 voluntarily waived that right and consented to the continuation of his trial to a date up to and
21 including April 1, 2018, Dkt. # 29, which will permit trial to start on February 20, 2018, per the
22 parties' request.


23 IT IS HEREBY ORDERED that the trial date be continued from November 20, 2017, to
24 February 20, 2018.

25 IT IS FURTHER ORDERED that the pretrial motions cutoff date be continued to
26 January 10, 2018.

27 IT IS FURTHER ORDERED that the period of time from the current trial date of
28 November 20, 2017, up to and including March 5, 2018, with regard to Mr. Smith, and up to and

1 including April 1, 2018, with regard to Mr. McClure, shall be excludable time pursuant to the
2 Speedy Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to the filing and
3 granting of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§
4 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B).

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6 DATED this 19th day of October, 2017.

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9 Robert S. Lasnik

10 United States District Judge
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